



MICHAEL C. DONALDSON
LISA A. CALLIF
DEAN R. CHELEY
CHRISTOPHER L. PEREZ

June 28, 2012

VIA E-MAIL

Attn: John Gearries
Between the Lines Productions, LLC
600 S. Curson Ave. #314
Los Angeles, CA 90036
[info@twiharder.com]

RE: BETWEEN THE LINES PRODUCTIONS, LLC / TWIHARDER / OPINION LETTER

Dear Mr. Gearries,

This letter is to memorialize our discussions and correspondence regarding fair use related to the motion picture currently titled, *TWIHARDER* (the "Picture").

In forming my final opinion, I received and reviewed the final-cut DVD of *TWIHARDER* received June 8, 2012.

Parody is recognized as a form of criticism and commentary. Using the four factors traditionally used by courts to determine fair use: (1) Purpose and character; commercial or educational: many commercial parodies have also been deemed to be fair use, as the Supreme Court has held that "a work's commercial nature is only one element of the first factor enquiry into its purpose and character"; (2) Nature of the work copyrighted -- this factor has been said to carry little weight in parody situations, "since parodies almost invariably copy publicly known, expressive works"; (3) Amount and substantiality -- with parodies, a fairly extensive use of the copyrighted work is permitted. Copying is considered in relation to parodic purpose -- a parodist can copy as much as is needed to "conjure up" the original. Even the "heart" of a work may be copied for parody, if it's the heart at which the parody is aimed; and (4) Potential effect on the market -- it is understood that an effective parody "may be so good that the public can never take the original work seriously again". Thus, with parodies, the possibility of destroying the market for the original work isn't measured. Instead, what is analyzed is the potential of the parody to fulfill the market demand of the original work. Since most parodies do not compete with the original works they are parodying, this factor is usually not an issue.

400 SOUTH BEVERLY DRIVE
SUITE 400
BEVERLY HILLS, CA 90212
BUSINESS: (310) 277-8394
FAX: (310) 277-4870
WWW.DONALDSONCALLIF.COM

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You do not have releases from the actors or written permission from the copyright owner for any characters of the *Twilight* saga. *TWIHARDER* is a parody or pastiche (which are subsets of fair use) because the characters comment on the original works by using humor, satire and ironic imitation to point out absurdities in the plotline, acting and dialogue of the original *Twilight* films. The film also comments on the celebrity status and fan-crazed followers of the *Twilight* saga's two primary actors, Robert Pattinson ("Team Edward") and Taylor Lautner ("Team Jacob"). *TWIHARDER* uses only as much as necessary from the original feature works to evoke the *Twilight* narrative and there is a substantial number of original elements in the newly created work, including original storylines, characters and dialogue. The *TWIHARDER* characters are "inspired by" the first two *TWILIGHT* films and not direct copies. Further, there is no market harm in this case, because the film is clearly not a substitute for the original works, since it serves a different market purpose. Where the original *Twilight* is a drama/fantasy genre film, *TWIHARDER* is a clear comedy lampooning the original films. Thus, we are of the opinion that the use of all unlicensed, copyrighted materials from the *Twilight* saga fall within the parameters of the fair use laws and therefore constitute fair use.

This legal opinion does not apply to music in the Picture, which you represented is either licensed or original.

The primary purpose of this opinion letter is so that you may obtain fair use coverage under your E&O policy. Please be sure to specify on your application that you will need this additional coverage through a fair use endorsement. Confirm with your insurer that this coverage is included. If you should decide to use any of these materials in the promotion and advertising for your film, please seek additional legal counsel as there are other factors and considerations that need to be taken into account.

Please do not hesitate to call me directly if you, your insurer or distributor have any questions with regard to this opinion letter.

Very truly yours,



DEAN R. CHELEY

DRC/jmm

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